

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case Number CR-06-171-C
)	CIV-16-500-C
ANDREW CHARLES SCHULZ,)	
)	
Defendant.)	

MEMORANDUM OPINION AND ORDER

Defendant has filed a 28 U.S.C. § 2255 Motion seeking relief based upon the Supreme Court's recent ruling in Johnson v. United States, ___ U.S. ___, 135 S.Ct. 2551 (2015). However, Johnson applies to persons who were sentenced pursuant to the residual clause of the Armed Career Criminal Act ("ACCA"). Defendant's sentence in this case is not in any way connected to that portion of the statute. Rather, as Defendant's counsel noted in his briefing, Defendant's sentence was based, in part, on two prior drug convictions, not the residual clause of the ACCA. Thus, Johnson is inapplicable to Defendant's case.

For the reasons set forth herein, Defendant's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Dkt. No. 49) is DENIED.

IT IS SO ORDERED this 4th day of August, 2016.


ROBIN J. CAUTHRON
United States District Judge